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LNV Corporation

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

LNV CORPORATION, a Nevada
corporation,

Plaintiff,

v.

DENISE SUBRAMANIAM,

Defendant.

Case No. 3:14-cv-01836-MO

PLAINTIFF'S RESPONSE
MEMORANDUM IN OPPOSITION
TO DEFENDANT'S MOTION
FOR JUDICIAL NOTICE OF
INFORMATION AND CRIMINAL
INDICTMENT AND PLEA AGREEMENT
OF LORRAINE BROWN

Plaintiff LNV Corporation ("LNV") hereby responds to the Motion for Judicial Notice of Information and Criminal Indictment and Plea Agreement of Lorraine Brown filed by defendant Denise Subramaniam ("Defendant"). For the reasons set forth below, LNV requests that the Court deny Defendant's motion — which already has been filed once in this case and denied.

1- PLAINTIFF'S RESPONSE MEMORANDUM
IN OPPOSITION TO DEFENDANT'S MOTION
FOR JUDICIAL NOTICE

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I. DISCUSSION

A. Defendant's Motion Should Be Denied Because This Court Already Has Denied Judicial Notice of the "Brown" Documents

This is the second time that Defendant has asked the Court to take judicial notice of documents pertaining to a Florida criminal case involving Lorraine Brown. Defendant filed her first motion on January 28, 2015. (Dkt. 19.) The Court denied Defendant's motion on March 11, 2015 in a text order. (Dkt. 28.) Defendant's new motion is substantially similar to the one she filed in January. It asks the Court to take judicial notice of the very same documents that were presented in Defendant's failed first motion, yet the recently filed pleading offers no new information (let alone the requisite "direct relation to matters at issue") to justify this Court taking judicial notice. This Court is thus precluded from reconsidering Defendant's motion for judicial notice of the Lorraine Brown documents because the merits of the motion already have been considered by this Court. *United States v. Cuddy*, 147 F.3d 1111, 1114 (9th Cir. 1998) (the law of the case doctrine provides that "a court is generally precluded from reconsidering an issue that has already been decided by the same court") (internal quotation and citation omitted). For this reason, and for the reasons stated in LNV's opposition to Defendant's first motion, incorporated herein by reference, Defendant's latest motion should be denied. (*See* Dkt. 22, Plaintiff's Response Memorandum in Opposition to Defendant's Motion for Judicial Notice.)

B. Defendant's Motion Should Be Stricken or, Alternatively, Denied Because She Continues to Disregard This Court's Procedural Rules

As with her previous motions, Defendant did not confer personally or by telephone with counsel for LNV prior to filing her latest motion, nor did she include the conferral certification required by Local Rule 7. Defendant cannot claim ignorance of the rules, considering that counsel for LNV sent her a link to the Local Rules in a letter dated January 21, 2015. Moreover, Defendant was served with two recent LNV filings that discuss Defendant's continued failure to confer. (Dkt. 57, 63.) Defendant has failed to sign numerous pleadings, including her recent motion, in violation of Fed. R. Civ. Pro. 11(a), which provides that the Court "must strike an

unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention." (*See, e.g.*, Dkt. 59, 60, 64.) Defendant's motion thus should be stricken or, alternatively, denied for her continued failure to comply with procedural rules.

II. CONCLUSION

For the reasons discussed above Defendant's motion should be denied.

DATED: June 30, 2015

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By: *s/ Gabrielle D. Richards*

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CERTIFICATE OF SERVICE

I certify that I served the foregoing **PLAINTIFF'S RESPONSE MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION FOR JUDICIAL NOTICE OF INFORMATION AND CRIMINAL INDICTMENT AND PLEA AGREEMENT OF LORRAINE BROWN** on Defendant, Denise Subramaniam at 13865 SW Walker Rd., Beaverton, OR 97005 by depositing a copy in the U.S. Mail in a sealed postage-prepaid envelope and deposited with the United States Postal Service at Portland, Oregon on the date set forth below.

DATED: June 30, 2015

s/ Gabrielle D. Richards

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Attorneys for Plaintiff
LNV Corporation